

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Tina M. Bragg

Plaintiff

v.

Erik McKinney

Defendant

CIVIL NO. 24 cv 01181 (PAD)

Plaintiff demands Trial by Jury

**REQUEST FOR ENTRY OF DEFAULT OF
DEFENDANT ERIK McKINNEY FED R. CIV. P. 55(a)**

**TO THE CLERK OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF PUERTO RICO:**

COMES NOW, Tina M. Bragg, and respectfully requests that the Clerk of this Court enter the default of the defendant Erik McKinney for failure to plead or otherwise defend in a timely manner, as provided by Rule 55 (a) of the Federal Rules of Civil Procedure.

1. Defendant, Erik McKinney was served with the Summons and Complaint on ~~June~~ 18, 2024, ECF 6.
2. The Certificate of Service filed with this Court establishes that service was proper pursuant to Rule 4 of the Federal Rules of Civil Procedure. ECF 5.
3. Mr. McKinney personally appeared (pro se) to request an extension of time to answer the complaint or otherwise plead on July 9th, 2024, ECF 7. The extension of time was

granted by this honorable court as per ORDER at ECF 8.

4. A **second extension of time** was requested by his attorney, Ovidio E. Zayas Perez, Esq. on August 15, 2024. (ECF 9). This honorable court granted said second extension of time, ECF 10, and ordered the defendant to answer or otherwise plead by **September 16, 2024**.
5. A **third extension of time** to answer or otherwise plead was again requested by his attorney of record, Ovidio E. Zayas Perez, Esq. on September 16, 2024. (ECF 11). This honorable court granted via ORDER again an extension of time for the defendant to answer or otherwise plead that expired on **October 7, 2024 (ECF 12)**. Mr. McKinney has failed to plead or otherwise respond to the Complaint and the time to do so expired.
6. The defendant since he has failed to answer or otherwise plead and is now in default.
7. It is respectfully requested that as per Fed. R. Civ. P. 55(a) the default of Erik McKinney be entered by the Clerk of this Court.

WHEREFORE, Plaintiff requests that the Clerk of this Court enter the default of the defendant, Erik McKinney for his failure to plead or otherwise defend in a timely manner, as provided by Rule 55 (a) of the Federal Rules of Civil Procedure.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 8th day of October, 2024.

IT IS HEREBY CERTIFIED that, on this same date, the foregoing document has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

**RIVERA-ASPINALL, GARRIGA
& FERNANDINI LAW FIRM**

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